IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 20TH SEPTEMBER 2006 / 29TH BHADRA 1928

Bail Appl..No. 5692 of 2006

AGAINST THE ORDER IN CRMP.3723/06 IN
CRMP.3722/2006 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
CRIME NO.1148/2006 OF CENTRAL POLICE STATION, ERNAKULAM

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PETITIONERS/ACCUSED NOS.2 AND 3:

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1. SIVAN N.G., AGED 40 YEARS,
   S/O. GOPI, NIGATHIL HOUSE, ERUMATHALA P.O.,
   CHOONDY, ALUVA.

2. JOSHY, AGED 38 YEARS,
   S/O. POULOSE, MELEDATH HOUSE, NAVARASHMI NAGAR,
   EDATHALA P.O., CHOONDY, ALUVA.

BY ADV. SRI.JAISON JOSEPH

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
   CENTRAL POLICE STATION, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5692/2006

DATED THIS THE 20TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioners appeared before the Additional Chief Judicial Magistrate Court, Ernakulam, as sureties of the first accused in crime No.193/2003 of Ernakulam Town South Police Station. They preferred applications for releasing the first accused, in that case. But the learned Magistrate found that the tax receipt produced, are not genuine. Enquiries revealed that the same had been forged by them. Therefore, on complaint, the crime No.1148/2006 of Central police Station, Ernakulam, was registered for the offence punishable under Sections 468, 471 and 420 read with Section 34 IPC. The petitioners are in judicial custody from 17.8.2006. Hence this application, under Section 439 Cr.P.C.

2. I heard the arguments advanced by both sides. The counsel for the petitioners, who are accused 2 and 3, submit that the wife of the first accused, in crime No.193/2003, had filed the application, by forging the tax receipt, though the petitioners gave the photo copy of the tax receipt, as the original of the same had been given to

the bank for different transactions.

3. After hearing both sides, I grant bail and release the petitioners from jail, subject to the following conditions:-

(a). Each petitioner shall execute a bond for Rs.20,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Chief Judicial Magistrate Court, Ernakulam.

(b). The petitioners shall report before the Investigating Officer, once in a week, on every Tuesday, between 10.00 a.m and 11.00 a.m., for a period of two months, starting from 26.9.2006, and thereafter, on the first working day of every month, between the same timings, till the final report is filed.

(c). The petitioners shall not leave the Sessions Division of Ernakulam, till the trial and disposal of the case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs